

REMARKS

Upon entry of the instant Amendment, claims 1-32 will be pending in the application. By this amendment, claim 5 is amended and claims 31 and 32 are added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Summary of the Official Action

In the Office action, the Examiner objected to claim 5 as containing an informality. Additionally, claims 5-30 were rejected as being indefinite for allegedly omitting essential elements. The Examiner also rejected claims 5-8 and 27 over the applied art of record. Finally, claims 9-26 and 28-30 were indicated to contain allowable subject matter and would be allowed if amended to overcome the Section 112, 2nd paragraph, rejection and presented in independent form if not already so presented. By the present amendment and remarks, Applicant submits that the objections and rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Objection to the Claims is Moot and/or Traversed

Claim 5 was objected to for allegedly containing an informality. Applicant respectfully disagrees with this basis of objection.

Claim 5 recites the feature "an electromagnet" in reference to an electromagnet device which utilizes an electromagnet core (recited in claim 5) and a movable plate (also recited in claim 5) which functions as the movable part of the electromagnet device. Fig. 1 of the instant application clearly shows this electromagnet device having the form of a electromagnet core 6

and a movable plate 4. Indeed, the noted language of claim 5 specifically describes how the movable plate can “function as an armature of an electromagnet”. Applicant submits that one having ordinary skill in the art would have no difficulty understanding this aspect of the invention.

Accordingly, Applicant respectfully requests that the above-noted objection be withdrawn.

The Section 112, 2nd paragraph, Rejection, is Improper

Claim 5-30 were rejected as allegedly being indefinite as being incomplete for omitting essential elements pursuant to MPEP 2172.01.

Applicant again submits (see Applicant’s previous Response) that Applicant is not required under section 112, second paragraph, to limit the invention to any particular cooperative relationship between the recited structural features. Applicant respectfully submits the Examiner has misunderstood MPEP 2172.01, which indicates that when it is indicated “by applicant” in the specification that certain features are essential to the invention, such features must be recited in the claims. The Examiner has identified no features which were indicated “by Applicant” to be essential to the invention in the specification and which are not recited in the claims. In fact, Applicant has not asserted in the specification that certain devices are critical or essential to the invention. Certainly, none of the elements noted by the Examiner have been so described, and the Examiner has respectfully failed to point to any portion of the specification which supports the Examiner’s position that such devices are asserted to be critical. Accordingly, the Examiner’s reliance on MPEP 2172.01 is respectfully misplaced and this rejection is believed to be improper and should be withdrawn.

Moreover, Applicant is unaware of any requirement, under either the patent statutes or rules, requiring Applicant to limit the invention to any particular or preferred disclosed embodiment. Applicant submits that if the claim limitations are clear and have support in the specification, they cannot be properly rejected as indefinite merely because the Examiner would prefer that the claims recite more detailed limitations.

Furthermore, the Examiner has set forth no legal basis for requiring Applicant to limit the invention in the suggested manner. Section 112, 2nd paragraph, does not require Applicant to specify the relationship between all of the parts of the lock shown in Fig. 1. Applicant submits that the requirement that the claims be interpreted in light of the specification provides sufficient basis for the claims being definite. The Examiner is reminded that Applicant is entitled to the broadest reasonable interpretation permitted by the prior art, and that one of ordinary skill in the art, having read the specification, would understand that which is claimed.

Applicant also again refers the Examiner to the previously submitted non-precedential decision *Ex parte COULAS Sr.* which addressed a similar rejection and noted that if the scope of the invention can be determined from the claim language with a reasonable degree of certainty, a rejection under Section 112, 2nd paragraph, is inappropriate (see pages 3-6).

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of these claims.

Rejection Under 35 U.S.C. §102 Rejection

Claims 5-8 and 27 were rejected under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 608,321 to CARLETON. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP §2131. Applicant submits that the applied art does not show each and every feature of the claimed invention.

The present invention relates to an electromagnetic lock which utilizes a linearly movable bolt member which can move from the position shown in Figs. 1 and 2 (the protruding position) to the position shown in Fig. 3 (a retracted position) and vice versa.

More specifically, claim 5 recites:

5. An electromagnetic lock comprising:
 a body;
 a linearly movable retractable sliding bolt; and
 an electromagnet core arranged in the body; and
 a movable plate arranged in the body and being structured and arranged to contact and support the retractable sliding bolt and to function as an armature of an electromagnet,
 wherein the movable plate is movable via two forces acting in the same direction and is structured and arranged to move the retractable sliding bolt linearly to a protruding position, and
 wherein one of:
 the movable plate moves the retractable sliding bolt to the protruding position;
 and
 the electromagnet core is arranged between a front side of the movable plate and a free end of the retractable sliding bolt.

Applicant acknowledges that Fig. 1 CARLETON shows an electromagnetic lock which utilizes what the Examiner characterizes as a movable plate 22, a sliding bolt 17 and an electromagnet core 10. Applicant notes, however, that the so-called movable plate 22 in Fig. 1 is designed to move the sliding bolt 17 away from the protruding position (when member 16 causes movement of the plate C). Indeed, it is apparent from Fig. 1 that it is the spring 20 which moves the sliding bolt 17 to the protruding position and not the plate 22. As such, Fig. 1 of

CARLETON does not disclose, or even suggest, that the movable plate moves the retractable sliding bolt to the protruding position.

Fig. 1 of CARLETON also fails to teach or suggest that the electromagnet core is arranged between a front side of the movable plate and a free end of the retractable sliding bolt. Applicant notes that in Fig. 1 of CARLETON the core 10 is arranged on a back side of the plate 22. The core 10 is not arranged between any side of the plate 22 and the free end of the bolt 17.

Thus, Applicant submits that CARLETON does not disclose all of the features of at least claim 5 and does not anticipate the claimed invention.

Regarding claims 6-8 and 26, Applicant respectfully submits that these claims depend from allowable claim 5, and are distinguishable from CARLETON at least for the reasons described above with respect to claim 5. Moreover, these claims recite additional features that are not disclosed or suggested by CARLETON.

Accordingly, Applicant respectfully requests that the rejection over the above-noted claims be withdrawn.

New Claims are also Allowable

Applicant submits that the new claims 31 and 32 are allowable over the applied art of record. Specifically, claims 31 and 32 depend from claim 5 which is distinguishable over the applied art and further recite a combination of features which are clearly not disclosed or suggested by the applied art of record. Accordingly, Applicant respectfully requests consideration of these claims and further request that the above-noted claims be indicated as being allowable.

Allowable Subject Matter

Applicant acknowledges that claims 9-26 and 28-30 (Applicant assumes that claim 27 was inadvertently indicated to be allowable on page 5 of the instant Office Action) have been indicated to contain allowable subject matter and would be allowed or allowable if amended to overcome the Section 112, 2nd paragraph, rejection and presented in independent form as necessary. As Applicant has demonstrated that the Section 112, 2nd paragraph, is improper, Applicant submits that these claims should be indicated to be allowed and/or allowable. Furthermore, as Applicant has addressed the claim objection and the prior art rejection, it is submitted that all of the claims are in condition for allowance and should be allowed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
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